

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Ruby Abouraya

Plaintiff

v.

First Advantage Corporation
National Credit Audit
Corporation

Defendant

Case No:

JURY TRIAL DEMANDED

VERIFIED COMPLAINT

INTRODUCTION

1. Plaintiff seeks actual damages, statutory liquidated damages, and attorneys' fees as a result of Defendant's violations of federal law.

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. § 1692k(d)*, *1693m(g)* and *28 USC 1331*.

3. Defendant conducts business in the Commonwealth of Pennsylvania, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. § 1391(b)(1) and (2)* because this judicial district is where a substantial part of the events or omissions giving rise to the claim occurred.
5. The Plaintiff is Ruby Abouraya ("Plaintiff"), a natural person residing in Chester County in the Commonwealth of Pennsylvania.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to the Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. § 1692a(5)*.
7. Defendants are First Advantage Corporation and National Credit Audit Corporation with mailing and business address of 1 Concourse Parkway NE STE 200, Atlanta, Georgia, 30328.
8. Defendants are debt collectors as that term is defined by *15 U.S.C. § 1692a(6)*, which sought to collect a consumer debt from Plaintiff.
9. Defendants acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers (hereafter "Employee").
10. The Defendants are regularly engaged, directly and indirectly, in the collection of debts including the debt collection activity that is the subject of this action.

Facts

11. The Plaintiff was a tenant at the Kingswood Apartments, in King of Prussia, Pennsylvania a property owned by Morgan Properties, Inc.

12. At a time not known to the Plaintiff, Kingswood Apartments and or Morgan Properties referred an unpaid rent claim (the “Debt”) to the Defendants for collection from the Plaintiff.

13. The Plaintiff filed for protection from creditors under the Bankruptcy Act on April 26, 2017. In re Ruby R Abouraya, Docket 17-12939-sr, Bky ED Pa. The debt owed to Kingswood Apartments was listed as an unsecured debt in Plaintiff’s bankruptcy schedules. In re Ruby R Abouraya, Docket doc. 1 at page 22, listing 4.10.

14. After the bankruptcy was filed the Plaintiff noticed that the debt owed to Kingswood Apartments was listed in her credit report. Plaintiff submitted a dispute to the credit reporting agencies regarding the Kingswood Apartments debt.

15. The Defendants’ Employee contacted the Plaintiff by email on July 24, 2017, advising that Defendants were in receipt of a June 20, 2017 dispute of a balance owed to Kingswood Apartment in the amount of \$2,469.15 and that the Defendants have “verified the debt with credit bureaus...This will continue to adversely affect [Plaintiff’s] credit score as well as [Plaintiff’s] future housing needs until the balance is paid in full.” See attached.

16. The Defendants have misrepresented the result not paying the debt alleged to be owed to Kingwood Apartments in its email correspondence.

17. At 3:58 pm on August 1, 2017, the Plaintiff responded to Defendants' Employee's email stating in relevant part: "... You can speak with my lawyer Matt Conley at 610-524-3200." See attached.

18. Four minutes later the Defendants' Employee responded to the Plaintiff's email with an email communication directly to the Plaintiff and not to her attorney. See attached.

19. As a result of the Defendant's actions the Plaintiff has endured emotional distress and suffered other damages including but not limited to counsel fees to ascertain the status of the alleged debt.

COUNT I
Violation of the Federal Debt Collection Practices Act,
15 U.S.C. § 1692

20. Plaintiff repeats and realleges the allegations in each of the foregoing paragraphs as if fully set forth herein.

21. The Defendant is a "debt collector" under section *1692a(6)* of the FDCPA.

22. The claims for debts subject of the Defendant's communications for collection comprise a "debt" within the meaning of *15 U.S.C. § 1692a(5)*.

23. The FDCPA prohibits debt collectors, such as the Defendant from engaging in unfair practices in connection with collecting debts, such as making false, deceptive and misleading representations in connection with the collection of a debt including but not limited to the threat to take any action that cannot legally be taken or that is not intended to be taken, the use of any false representation or deceptive means to collect or attempt to collect any debt and the false representation or implication that documents are legal process. *15 U.S.C. § 1692e*

24. The Defendantst violated 15 U.S.C. § 1692e(10) because they made false representations in connection to collect or attempt to collect a debt

25. The Defendants violated 15 U.S.C. § 1692d because they engaged in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt. *15 U.S.C. § 1692d.*

26. The Defendant violated 15 U.S.C. § 1692c(a)(2) because, without prior consent by the Plaintiff, they communicated with the Plaintiff directly about the Debt notwithstanding their knowledge of attorney representation for that Debt. *15 U.S.C. § 1692c.*

27. Pursuant to section 1692k of the FDCPA, Plaintiff is entitled to their actual damages plus statutory liquidated damages and attorneys' fees, as a result of Defendant's violations of the FDCPA.

WHEREFORE, Plaintiff respectfully requests:

- A. that this Court enter judgment awarding actual and statutory liquidated damages to Plaintiff;
- C. that the Court award attorneys' fees, expenses, and the costs of this suit, together with prejudgment and post-judgment interest at the maximum rate allowed by law;
- E. that this Court award such other and further relief as it may deem just and appropriate.

JURY TRIAL DEMAND

Plaintiff, demands a jury trial on all issues so triable.

Respectfully submitted:

Lipow Law Office

/S/ RICHARD N LIPOW

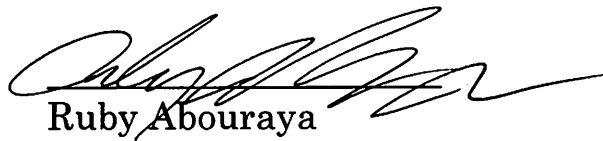
By __RNL3966__

RICHARD N. LIPOW, ESQUIRE
Swedesford Corporate Center
629 Swedesford Road
Malvern Pennsylvania 19355
(610) 251-2500
Attorney for Plaintiff

VERIFICATION

I, Ruby Abouraya declare as follows:

1. I am one of the Plaintiffs in the present case, a natural-born citizen of the United States of America, and a resident of the Commonwealth of Pennsylvania and am more than eighteen years old.
2. I have personal knowledge of the facts set forth in the foregoing Verified Complaint, and if called on to testify I would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Complaint concerning myself, my activities, and my intentions are true and correct. 28 U.S.C. § 1746.



Ruby Abouraya

On Jul 24, 2017, at 10:46 AM, Ellen M. Garner <Ellen.Garner@fadv.com> wrote:
NCAC received notification from the credit bureau that on 07/20/2017 you disputed the balance on your account for **KINGSWOOD APARTMENTS - \$2,469.15**

This is to advise NCAC Credit Reporting Department **HAS** verified the debt with the credit bureaus.

This will continue to **adversely affect** your credit score as well as your future housing needs until the balance is paid in full.

NCAC will **DELETE** the debt from your credit report if balance is paid in full

To **IMPROVE** your credit score, please contact NCAC at 1.800.779.4894, ext 7233 to make arrangements to satisfy the balance OR you have several options to make your payment ...

- View & pay your account on line at payncac.com *(to access your account the above subject account # must be entered)*
- Complete the attached credit card authorization form and email back to this email address and your payment will be applied to your account.
- Mail your payment to NCAC, P.O. BOX 515489, DALLAS, TX 75251 *(please include the subject account # on your payment)*
- Call, 1.800.779.4894, ext 7233 to pay your balance.

Thank you!

NCAC is a debt collector. This is an attempt to collect a debt; any information obtained will be used for that purpose.

Kind regards,

Ellen Garner
Collection Representative
National Credit Audit Corporation
First Advantage
O: 800 779-4894 Ext 7233
ellen.garner@fadv.com

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From: Ruby Abouraya [<mailto:rubyr1@mac.com>]

Sent: Tuesday, August 01, 2017 3:58 PM

To: Ellen M. Garner <Ellen.Garner@fadv.com>

Subject: Re: ACCT #299601 - KINGSWOOD APARTMENTS - \$2,469.15

This debt has been discharged in my bankruptcy. You can speak with my lawyer Matt Conley at 610-524-3200.

Ruby Abouraya

Sent from my iPhone

From: "Ellen M. Garner" <Ellen.Garner@fadv.com>
Date: August 1, 2017 at 4:03:05 PM EDT
To: Ruby Abouraya <rubyr1@mac.com>
Subject: RE: ACCT #299601 - KINGSWOOD APARTMENTS - \$2,469.15

Please be advised that the burden of proof falls on the debtor to forward the following bankruptcy papers. Original bankruptcy along with the list of creditors covered under bankruptcy as well as the Discharge Papers. Please requested information so that NCAC can update your account and credit report.

NCAC is a debt collector. This is an attempt to collect a debt; any information obtained will be used for that purpose.

Kind regards,

Ellen Garner
Collection Representative
National Credit Audit Corporation
First Advantage
O: 800 779-4894 Ext 7233
ellen.garner@fadv.com

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